

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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LEANDA RAE MUHONEN,

Civil No. 09-0452 (JRT/SRN )

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

AT&T INC., CINGULAR WIRELESS  
INC., NANCY HEINEMAN, AND  
LEORA MCFARTHING,

Defendants.

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Jeffer Ali and Todd Werner, **CARLSON CASPERS VANDENBURGH & LINDQUIST**, 225 South Sixth Street, Suite 3200, Minneapolis, MN 55402, for plaintiff.

Kathryn Wilson, Tyree Jackson, and Jodie Friedman, **LITTLER MENDELSON, PC**, 80 South Eighth Street, Suite 1300, Minneapolis, MN 55402, for defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson, dated August 21, 2009, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

**IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Default Judgment [Doc. No. 25] is **DENIED**; and
2. Defendants' Motion to Dismiss or in the Alternative for Summary Judgment [Doc. No. 8] is **GRANTED in part and DENIED in part**:

- a. To the extent Defendants' motion seeks to dismiss Plaintiff's claims for intentional infliction of emotional distress, negligence, violation of the Privacy Act of 1974, retaliation under the Minnesota Whistleblower Act, wrongful termination, violations of the Americans with Disabilities Act; or violations of the Minnesota Human Rights Act, the motion is **DENIED as moot**; and
- b. To the extent Defendants' motion seeks to dismiss Plaintiff's assault claim, the Motion is **GRANTED**.

Dated: September 16, 2009  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge